

MINUTES OF THE LAFAYETTE COMMON COUNCIL
June 1, 2009
REGULAR MEETING

The Common Council of the City of Lafayette, Indiana met in regular session on Monday June 1, 2009 at 7:00 p.m. in the City Hall Council Chambers, 20 North 6th Street, Lafayette, Indiana.

President Steve Meyer called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was given to the flag of our Country.

The following members were present:

Present: Heide, Klinker, Campbell, Cornstuble, Brown, Novak, Weast-Williamson, Downing and Meyer.

The City Clerk stated that there was a quorum present.

City Clerk Cindy Murray and City Attorney Ed Chosnek were present.

Councilwoman Weast-Williamson moved to approve the minutes from the May 4, 2009 regular meeting, Councilman Downing seconded. The motion passed by unanimous voice vote.

The Clerk stated that there were no Claims, Petitions or Communications.

The Clerk stated the following reports are available in the City Clerk's Office:

Clerks Office Monthly-April 2009

Water Works Department Monthly-April 2009

Water Pollution Control Department Monthly-April 2009

Fleet Maintenance Department Monthly-April 2009

Police Department Monthly-April 2009

Councilman Campbell moved to hear the Compliance of Statement of Benefits out of order on the agenda so the business representatives would not have to wait until the end of the meeting. Councilman Cornstuble seconded. The motion passed by unanimous voice vote.

Mayor Roswarski spoke in support of continuing tax abatements and working with the local businesses to see them through the tough economic times and asked Council for their support.

Jodi Hamilton, LWLDC, spoke briefly and introduced the following company representatives.

Doug Mansfield, President of Kirby Risk (JAK) updated the Council on his businesses employment and investment outlooks.

Brad Blomberg, Supply Manager for Alcoa, updated the Council on his businesses employment and investment outlooks.

Councilman Campbell moved to approve the following Compliance of Statement of Benefits.

The Clerk read the following list of companies with tax abatements for Compliance of Statement of Benefits. Personal Property abatements: Alcoa, Caterpillar, Liquid Springs, Mckinney, Oscar Winski, Rea Magnet Wire, SIA (1-9), Tate & Lyle, Toyota Motors, Toyota Tsusho, TRW Automotive (1) TRW Automotive (2), Wabash National (1-3), Wabash National (7). Real Estate Abatement: Fed Ex, Hanson Cold Storage (1-4), JAK Partners (Kirby Risk), Mckinney, Oscar Winski, SIA (10-13), Tate & Lyle, Wabash National (4-6), and Historic Jeff Centre, LP. Councilwoman Novak seconded. The motion passed 8-0 on a roll call vote.

Ordinances for Second Reading:

The Clerk read Ordinance 2009-04 (An Ordinance Amending Fees that the City may Charge for Computer Reports, Accident Reports, VIN Checks, and Other Miscellaneous Copies) by title only on second and final reading. Councilman Campbell moved passage, Councilman Brown seconded. Ordinance 2009-04 passed 8-0 on a roll call vote on second and final reading.

Ordinances for First Reading:

The Clerk read Ordinance 2009-05 (An Amendment to Ordinance No. 95-22 Inclusion of Certain Property in the Local Ninth Street Hill Historic District in the City of Lafayette, Indiana, 111-113 S. 9th Street) by title only on first reading. Councilman Heide moved passage, Councilman Klinker seconded. Ordinance 2009-05 passed 8-0 on a roll call vote on first reading.

The Clerk read Ordinance 2009-06 (An Ordinance to Amend Amended Ordinance 2008-24 An Ordinance Fixing the Salaries of the Appointed Officers and Employees of the City of Lafayette, Indiana, for the Year 2009, Excluding the Sworn Protective Occupation and Law Enforcement Members of the Police and Fire Departments) by title only on first reading. Councilman Brown moved passage, Councilwoman Weast-Williamson seconded. Mayor Roswarski spoke regarding this ordinance. Ordinance 2009-06 passed 8-0 on a roll call vote on first reading.

The Clerk read Ordinance 2009-07 (An Ordinance for Appropriation of Local Option Highway User Tax Funds-County Wheel Tax-Fund #249) by title only on first reading. Councilwoman Weast-Williamson moved passage, Councilman Downing seconded. Mayor Roswarski spoke regarding this ordinance. Ordinance 2009-07 passed 8-0 on a roll call vote on first reading. Councilman Campbell moved to set Public Hearing for July 6, 2009 at 7:01pm for Ordinance 2009-07, Councilman Brown seconded.

The Clerk read Ordinance 2009-08 (An Ordinance to Vacate a Portion of the Public Way in the City of Lafayette, Indiana) by title only on first reading. Councilman Campbell moved for passage, Councilman Heide seconded. Councilman Campbell moved to table the ordinance and Councilman Downing seconded. Discussion ensued. Joe Bumbleburg, attorney for petitioner spoke regarding the timeline for this proposed project. After lengthy discussion Councilman Campbell moved to withdraw his motion and Councilman Downing moved to withdraw his second to the motion. The motion to withdraw passed by roll call vote. Councilman Campbell requested the petitioner's representative along with our engineers department work with a qualified appraiser to determine the fair market value of this alley. City Attorney Ed Chosnek noted that if the council does not approve of the dollar amount they can still deny the Ordinance on second reading.

Wick Dixon, 3204 Elmwood Ave, spoke regarding the loss of mature trees in the proposed project area. Perry Barbee 1714 Union spoke in support of ordinance since he is one of the affected homeowners in that area.

Donn Brown 1235 Meadowbrook Dr. spoke regarding the ordinance and the council micromanaging the proposed CVS project.

Ordinance 2009-08 passed 6-2 on a roll call vote on first reading.

Ayes: Heide, Klinker, Cornstuble, Campbell, Novak and Weast-Williamson

Nays: Brown & Downing

Councilman Campbell moved to set Public Hearing for July 6, 2009 at 7:02pm for Ordinance 2009-08, Councilwoman Novak seconded.

The Clerk read Ordinance 2009-09 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana-UZO Amendment #60) by title only on first reading. Councilman Cornstuble moved for passage, Councilwoman Weast-Williamson seconded. Jenny Miller, City Engineer spoke regarding this ordinance. Ordinance 2009-09 passed 8-0 on a roll call vote on first reading.

Resolutions:

The Clerk read Resolution 2009-06 (A Resolution for Naming of City Streets) by title only on first and final reading. Councilman Cornstuble moved for passage, Councilwoman Novak seconded. Resolution 2009-06 passed 8-0 on a roll call vote on first and final reading.

Reports of Standing Committees: Reports of Special Committees: None

Report by the Mayor: None

Departmental Updates

Dennis Carson, Director of Redevelopment/Lafayette Redevelopment Commission

Capital Improvements:

- 350 South Road Improvements – Street widening and upgrade project from Concord Road to 9th Street which will make this a four lane road with a landscaped median including lighting and trails for walking and biking. Up to \$5 million in TIF funding is being provided.
- Munger Park Trail – Part of the City of Lafayette's linear trail system, this is the first phase of a walking and biking trail from Munger Park to SR 26. \$600,000 is provided by TIF funds and the remainder from a DNR grant.
- Maple Point Drive Extension – TIF funding is providing right of way acquisition and engineering to extend Maple Point Drive from US 52 to Concord Road.
- Creasy Lane Emergency Sewer Repair – TIF funding is providing half of the cost to slip line the deteriorating sewer under Creasy Lane.
- Commerce Drive and Park East Blvd Traffic Signal/McCarty and 500 East Signal – TIF funds provided these intersection improvements.
- Railroad Crossing/Quiet Zone Improvements – TIF funds are underwriting the engineering study for improvements at multiple intersections to improve the safety at rail crossings in the Twickenham TIF area.
- Downtown Streetscape Improvements
 - Streetscape Phase III - Preparing to bid for the streetscape project for the west side of 4th street between Main and Columbia and north side of Columbia Street between 4th Streets and 5th Streets and the south side of Main Street from 4th Street to the alley. This will include a public art component.
 - Streetscape Phase II - Complete with planters, recycle/trash cans and street furniture.
 - Main Street Streetscape Design – Design for Main Street from 4th Street to 11th Streets.

Downtown

- Main Street Accreditation - Downtown Lafayette/West Lafayette has received its 2009 Main Street Accreditation for meeting the commercial district revitalization standards set by the National Trust Main Street Center in the areas of promotion, economic restructuring, organization and design.
- Downtown Branding and Visual Identity – Worked with Hirons & Co. a PR and marketing firm to create districts and district identities in the downtown area for the purposes of branding, wayfinding and navigation. We will be going public with these soon. The project was funded by the LUEA and the Lafayette Regional Association of Realtors.
- Neighborhood Marker Signs - We have designed and erected neighborhood marker signs for nine neighborhoods and have six more in the works. Look for them this summer.

Economic Development

- Tax abatement – We carefully monitor the annual tax abatement compliance. Sixteen companies have current tax abatements within the City of Lafayette investing nearly one billion in new plant and equipment.

- Investment - Lafayette is a good place to do business. About \$51 million has been invested in 2009 year to date. One example can be seen at the 120-acre Cascada Business Park, between State Road 26 East and McCarty Lane, east of Creasy Lane, where developer Ron Whistler is breaking ground for the 15th building and Stuart Boehning's 36,000-square-foot Cascada Center is about to open. Also underway is the 18,000-square-foot, two-building Cascada Park Place that will feature restaurant, retail and office tenants.
- Awards and Recognition - Forbes has named Greater Lafayette Number Eight in the nation for Cost of Doing Business, based on labor, energy, taxes and office space. This comes on the heels of Praxis Strategy Group naming the community Number One Rising Star in its 2009 Best Cities for Jobs.
- Business Attraction, Retention and Expansion - Economic development leads continue to come in and we have several active projects.

Weed and Seed

- The Lafayette Weed and Seed program, funded for five years beginning in October, 2007, has achieved numerous milestones. Its four housing programs currently are helping 60 formerly homeless people. And its two safe-haven sites at the YWCA and Hanna Center provide activities until 8 p.m. for area youth.

515 Columbia Street

- City offices for the Redevelopment and Community Development Departments.
- Seeking LEED Gold level Certification.
- We hope to go out to bid for this renovation this summer.

Energy Conservation Block Grants - Department of Energy

- The City of Lafayette is eligible for \$679,000 in funding for a variety of energy related improvements and conservation measures. Working with the Engineering Department to create a program for submission and approval from the Department of Energy.

Chatham Square (fka Bridgeway Apartments)

- Closed on the acquisition of the property at the end of January 2009.
- Public offering and developer partner selection – Brinshore Development, LLC
- Development concept selected.
- Applied for \$7.7 million of Neighborhood Stabilization Funding from the Indiana Housing and Community Development Authority.
- Organized Glen Acres Neighborhood Association.
- Forging additional partnerships with faculty and staff at Purdue for energy efficiency programs and area social service providers.
- Demolition and site preparation will begin soon.
- Working on development plans including the rezoning process to a Planned Development (PD)
- Seeking LEED Neighborhood Development certification for site preparation.
- Seeking LEED for Housing certification as well as the Green standards as set from the National Association of Home Builders and Energy Star compliance.
- The site has been used extensively for police and fire training from across the region.
- The redevelopment concept will be to construct approximately 89 rental units and nine single family homes on the site that originally had 162 units of multi family rental. It will feature a neo-traditional design with architecture reflecting the best of Lafayette, a community center and other amenities not found in typical rental complexes.

Aimee Jacobsen, Community Development gave the following update:

Program Year 2009 Projects

Our CDBG funding increased by about 1%. Our HOME funds increased by about 10%. Because we received the actual allocation funding amounts so late, we are now in the public comment period phase which will run until June 22nd. The final plan will be adopted by the City Council at their July 6th

meeting and then it will be submitted to HUD. The CDBG and HOME funds will probably be released by congress in mid to late-August.

The following report on CDBG and HOME projects covers many but not all of the projects that are currently under contract and those that are expected in the near future. The funding for the projects may be from prior years.

CDBG Projects

Sidewalk and Curb Projects

Dixon Construction is currently working on the 2008 CDBG Sidewalk and Curb replacement project which includes scattered sites in Monon, St. Lawrence, Vinton, Historic Jefferson, Lincoln and Wabash Area neighborhoods. The project is approximately 50% complete. The engineering department is completing a bid packet for the 1400 block of Grove Street in the Valley Center neighborhood and that will be going up for bid later in June. It is an especially complicated sidewalk project because of the grade of that particular block. After the 2009 CDBG funds are released by congress, hopefully in August, we will have another large scattered site bid packet ready to go out for bid for Vinton, St. Lawrence McAllister, Wabash and Historic Jefferson neighborhoods. We will also have a bid packet ready to go out for bid for a sidewalk and curb replacement project on both sides of South 18th Street from Beck Road to Teal Road. That area was chosen by the city because it is in very poor condition, it is located in a CDBG-eligible area and it is used by so many pedestrians with the proximity of local schools in that area.

SHARP

Tippecanoe County Council on Aging administers the Senior Housing Assistance and Repair Program continues to be a very successful and productive CDBG-funded program. SHARP pays a half time employee to coordinate the intake and assessment and Habitat for Humanity pays a half time employee to coordinate and supervise the volunteers. In the last program year, SHARP program assisted 79 elderly and disabled homeowners and helped them to stay in their homes longer than they could without this assistance. There is now a waiting list for the program, but both agencies continue to work hard to market the program so please help spread the word of you know of any low income seniors or persons with disabilities that need minor home repairs.

Neighborhood Action Committee (NAC) Endangered Historic Housing Rehabilitation Program

NAC reallocated some existing funds last year to provide incentives to potential buyers of certain architecturally significant historic residential structures. The houses that have been targeted are properties within the greater downtown area that are in such a state of deterioration that the structures are in danger of being demolished. One project was completed last year, a 4-unit property located at 111-113 South 9th Street, right next to the Art Museum. Funding has also been allocated to 717 Columbia Street, the Fitzgerald House and we are still waiting for detailed drawings from the owner so we can allow him to proceed with the work. The most recent project to be approved was 425-427 North 5th Street, 2 of the historic Ford row houses which are being renovated into 4 apartments. This program is designed to eliminate slum and blight so the completed units do not have to be occupied by low to moderate income tenants. All of the units created with this program have been market rate.

Clearance/Removal of Unsafe Buildings

The City began allocating some of our CDBG funds towards clearance/removal of unsafe buildings a few years ago to work with the Hearing Authority with the structures that are not historically significant. We have used CDBG funds in the past year to demolish a house at 1120 North 8th Street and the funds are currently being used to demolish the house that was located at 2040 Monon Avenue.

Other CDBG projects that will be underway after PY 2009 activities are approved:

- Tippecanoe County Library Stein-Gray Building Stabilization Stage II

HOME Projects (funding allocated through the Lafayette Housing Consortium)

Home Ownership Activities

Area IV has continued progress at the Norfolk Crossing Subdivision. Area IV – Norfolk Crossing

2 active agreements (2004-05 & 2005-06) end 6/30/09, renewed quarterly

10 lots remain unsold

1 house complete – lender issues have delayed/stopped sale

2 houses underway

7 lots have not been started

Area IV Development completed 8 owner occupied rehabs with the pilot program approved in 2005. The program helps eligible homeowners make necessary repairs to their houses. A second owner occupied rehab contract was approved in 2007.

2007-09 agreement ends 6/30/09, to be extended

1 project complete

1 project rehab begun

3 projects over budget, evaluation in process

The Lafayette Housing Consortium approved a 3rd allocation of funds for the program to begin after the current contract is completed.

Habitat for Humanity

2007-09 agreement ends 10/30/09

2 remaining houses of the 10 identified complete or in final stages before sale

2008-09 agreement ends 4/30/2010

8 properties identified and scheduled for construction

At least 2 underway

Rental Unit Development

Lafayette Housing Authority – Tenant Based Rental Assistance

2007-08 agreement ends 12/31/09

Funds have been expended, serving 14 tenants

2008-09 agreement ends 6/30/2010

Funds are being committed, expect to serve 10+ tenants

Lafayette Transitional Housing Center – Lincoln Center

2009 agreement for 2007 & 2008 awards approved 5/12/09, ends 6/30/2010

New Chauncey Housing

2006-07 agreement ends 6/30/09, expect to extend

4 open projects

2 sales pending (1 rehab complete, 1 underway, expect complete 6/09)

1 under lease to purchase agreement (rehab almost complete)

1 acquisition complete, rehab beginning, prospective buyer

2009-10 agreement ends 6/30/2010

Will use \$26,000 remaining from '06-'07 for next acquisition

Working with a seller for acquisition of next properties this summer

2008-09 CHDO Operating agreement ends 6/30/09

Wabash Valley Trust for Historic Preservation

2004-05 Veteran's Home agreement expired, not being renewed

project to be canceled after repayment of \$1500 used for lead paint testing

Battle Ground 2009 agreement signed 5/19/09, ends 4/30/2010

project to start asap

2008-09 Rehab agreement ends 12/31/09

1 property acquired, project scope being finalized, rehab to begin soon

Trust working with realtor to identify 2nd property

2008-09 CHDO Operating agreement ends 6/30/09

Weed and Seed TBRA – program administered by the City as a permanent supportive housing program to serve families, primarily those who have survived domestic violence. Program provides 12 months of rent subsidy for rental housing within the Weed and Seed boundaries. The program is currently serving 3 families, and 3 more families are in the review process. The program provides case management for the families in addition to the housing subsidy.

Other

Historic Preservation Commission

The Commission continues to be very active and busy. They are currently drafting a new ordinance to replace the current one. It will include state enabling legislation and will include more enforcement power than the current ordinance.

In 2005, the City was named as a Certified Local Government (CLG) which is an honor that is given to cities who meet certain criteria set out by the federal government. To qualify, all of our HPC members must meet certain professional requirements, they must agree to receive continuing education each year, and we are required to review nominations for National Registry and update the current inventory of archaeological and historic/architectural properties within the City limits. We are required to maintain an active program to designate local landmarks and review impacts, alterations, relocations and demolitions of local landmarks or historic districts. In turn, we are eligible to receive special consideration for funding from the state DNR for historic preservation educational programs.

In 2007, the City was named a Preserve America City by the United States Department of the Interior, National Park Service. The award is prestigious and allows us to compete for grant funds that promote heritage tourism. We were awarded our first grant last year to produce a number of podcasts to highlight our local historic neighborhoods in Lafayette. We have produced episodes for St. Mary's and Historic 9th Street Hill. We are in the middle of producing episodes for the downtown and Perrin neighborhoods. Efforts will be underway soon for the Highland Park episode. The creation of these podcasts/videos is a fun and unique way to highlight the unique history of our important neighborhoods listed on the National Registry and draw in new people to come visit them. They also instill pride in the residents who currently reside in these historic places.

CDBG-R Funds.

On February 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act of 2009 (ARRA). ARRA will provide funding through the Community Development Block Grant – Recovery Program (CDBG-R). The US Department of Housing and Urban Development (HUD) is charged with administering the funds.

The City of Lafayette will receive an allocation from HUD of \$175,480 in CDBG-R funds. The following is the proposed allocations plan for the funds:

\$100,000 in CDBG-R funds will be used to install energy efficiency improvements in commercial buildings. The business owner must be willing to provide low to moderate income jobs and comply with all ARRA requirements. The jobs will be advertised to target those who have lost jobs in this recession. The energy efficiency improvements will provide a permanent investment in building to increase the overall economic efficiency of the business, thereby creating long term economic benefits and fostering reduced energy dependence.

\$31,610 in CDBG-R funds will be used to replace sidewalk, curb and handicap ramps in the downtown area. The work will be completed as part of an overall streetscape project which will enhance the downtown, making it a safe and aesthetically pleasing area for residents, businesses, employees and shoppers in the historic downtown area. The project will meet all ARRA requirements. The project will provide a permanent investment in the infrastructure of the area and it will create construction jobs. This work will also include the installation of a handicap ramp and other ADA accessibility improvements in the downtown area. A handicap ramp will be installed at 515 Columbia Street to provide handicap accessibility for citizens accessing services at the City Hall annex. The installation of the ramp will provide a permanent investment in the infrastructure and it will create construction jobs.

\$26,322 in CDBG-R funds will be used for public service activities that serve low-moderate income persons. Public service activities will include but not be limited to housing case management associated with the permanent supportive housing programs provided in the Lafayette Weed and Seed area.

\$17,548 in CDBG-R funds will be used for planning and administration activities related to the CDBG-R projects.

These projects were given priority so that the City may expend the funds quickly in accordance with the CDBG-R guidance.

CDBG-R funds spent in the City of Lafayette will result in the creation of an estimated 12 full time equivalent permanent jobs.

A formal resolution will be presented to the Council at the July 6th meeting, along with a resolution for the regular Program Year 2009 CDBG and HOME funds.

Dan Crowell, Street Commissioner announced that as of July 1, 2009 citizens should not place yard waste in plastic bags, including clear bags. Yard waste must be placed in biodegradable bags or left on the curb for the Sanitation department to pick up. Mr. Crowell stated plastic bags will not be picked up and notices will be given to citizens to comply.

Miscellaneous and New Business:

Public Comment:

Pearl Speakman, 923, N.22nd St spoke regarding the Adopt a Spot.

Perry Barbee, 1714 Union Street spoke regarding Clean Sweep and the up coming budget.

Renee Worthington, 1113 N 7th St spoke regarding citizen involvement in government.

Donn Brown, 1235 Meadowbrook spoke regarding the up coming July 4, 2009 Tea Party and extended the invitation to all for a 4th of July Event.

Lloyd Wells, 3717 Rawlings Dr. spoke regarding the stop lights and the 350 project and frontage roads.

Terry Masterson, 1115 Central Avenue spoke regarding the Trolley Tax and requested the Clerk scribe the following letter into the record.

The Trolley tax is a property rights issue plain and simple. The average citizens believe they have a right to the peaceful enjoyment of their homes, without having to pay for a free customer shuttle for some wealthy developers. The downtown developers and city council seem to believe that the only right the citizens have is the right to choose whether to pay the excess property tax levy for the trolley or let their home be sold in a property tax sale.

It is time for the annual review of this trolley tax, so please let the council know if you believe that your property rights include the right to peacefully enjoy your home free from the trolley tax.

Respectfully, Terry A. Masterson

Councilman Campbell moved to adjourn at 8:50 pm

Minutes prepared by Cindy Murray, City Clerk

Complete audio of meeting available in the City Clerks office or at www.lafayette.in.gov